

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

450 Golden Gate Avenue  
San Francisco, California 94102

**FILED**

DEC 22 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**CV 08**

**5710**

**MMC**

**Plaintiff**

**Complaint**  
Civil No.

✓  
**v.**

1. BEVERLY HART, REAL ESTATE BROKER,  
PROPERTY MANAGER  
BROKER LICENSE ID: 00696183  
D/B/A Coldwell Banker Cutten Realty, Inc  
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Eureka, CA 95503  
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Fax: 707-443-5813  
Email: cbcrc@cuttenrealty.com
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REGISTERED AGENT, OWNER  
BROKER LICENSE ID: 00390498  
D/B/A Coldwell Banker Cutten Realty, Inc  
2120 Campton Rd, Ste C  
Eureka, CA 95503

3. CUTTEN REALTY, INC  
CA SOS FILE NUMBER C2538716  
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Eureka, CA 95503
4. COLDWELL BANKER RESIDENTIAL BROKERAGE COMPANY  
Corporation Service Company, Registered Agent  
CA SOS FILE NUMBER C0795759  
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Sacramento, CA 95833
5. JAMES JAY LIPTAK, PRESIDENT, REAL ESTATE BROKER  
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CA SOS FILE NUMBER 200531810247  
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REAL ESTATE SALESPERSON  
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REGISTERED AGENT, REAL ESTATE BROKER  
BROKER LICENSE ID: 01019212  
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Humboldt Realty Corporation  
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CA SOS FILE NUMBER C2015279  
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18. PMI INVESTMENTS, INC  
710 E Street, Ste 130  
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Sandpiper Apartments  
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CA SOS FILE NUMBER C2038017  
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30. PASSCO REALTY, INC  
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38. FALCON RIDGE APARTMENTS  
JEFFERSON AT FALCON RIDGE APARTMENTS
- A. HUD case Number 06-06-0293-8  
B. Eviction case Number 041509  
C. Eviction Appeal case Number C-1-CV-06-000678  
D. State Farm Tenant/Renter Policy  
Number 83-LV-0578-9  
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39. FALCON APARTMENTS OF AUSTIN I, INC,  
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- A. HUD case Number 06-06-0293-8  
B. Eviction case Number 041509  
C. Jury Selection-Voir Dire January 26, 2006  
C. Jury Trial January 26, 2006 Austin, Texas
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44. MEGAN MONIQUE GOERES, VOLUNTEER PAID FOR WITNESS  
FALCON RIDGE APARTMENTS, WEIMARANER DOG, Apt 1033  
A. HUD case Number 06-06-0293-8  
B. Eviction Trial January 26, 2006  
C. Eviction Appeal Trial June 16, 2006  
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50. MAJOR GENERAL JACK L. RIVES, USAF  
THE JUDGE ADVOCATE GENERAL [JAG]
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RECALCITRANT WITNESSES
- A. Falcon Ridge Apartments V. Michael L. Buesgens  
B. Jury Trial January 26, 2006  
C. Eviction case Number 041509  
D. Justice of the Peace, Precinct 5  
Travis County, Austin, Texas

**TENANT EVICTION/CREDIT REPORTING AGENCIES**

- 53. JEANNE M. GRAVES, PRESIDENT, REGISTERED AGENT  
National Tenant Network (NTN)  
Tenant Eviction/Credit Reporting  
525 SW 1<sup>st</sup> Ste 105  
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- 54. NATIONAL TENANT NETWORK (NTN)  
Tenant Eviction/Credit Reporting  
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- 55. THOMAS HARRINGTON, OWNER, REGISTERED AGENT  
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- 56. ON-SITE MANAGER, INC  
Tenant Eviction/Credit Reporting  
2465 Latham Street, Ste 301  
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- 57. STEVE WINN, OWNER  
Real Page-One Site  
Tenant Eviction/Credit Reporting  
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Carrollton, TX 75007-1913
- 58. REAL PAGE  
Tenant Eviction/Credit Reporting  
4000 International Parkway  
Carrollton, TX 75007-1913
- 59. ONE-SITE-\$3,893.00-Unlawful Reletting Fees  
Tenant Eviction/Credit Reporting  
4000 International Parkway  
Carrollton, TX 75007-1913

60. KIM KENDRICK, ASSISTANT SECRETARY  
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63. GLEN YOUNGBLOOD, INTAKE SPECIALIST  
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65. R. FAYE AUSTIN, GENERAL COUNSEL  
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- A. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments
- B. Sacramento case Number 07-H-066  
Sandpiper Apartments
66. CHARLES E. HAUPTMAN, DIRECTOR  
FAIR HOUSING EQUAL OPPORTUNITY (FHEO)  
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- A. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments
- B. Sacramento case Number 07-H-066  
Sandpiper Apartments

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A. Housing Discrimination Complaint  
Sandpiper Apartments  
B. Case Number 07-H-066

C. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments

68. RICHARD K. UNO, STAFF ATTORNEY  
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1112 I Street, Ste 250  
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A. Housing Discrimination Complaint  
Sandpiper Apartments  
B. Case Number 07-H-066

C. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments

69. HUMAN RIGHTS/FAIR HOUSING COMMISSION OF THE  
CITY AND COUNTY OF SACRAMENTO, CALIFORNIA  
1112 I Street, Ste 250  
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A. Housing Discrimination Complaint  
Sandpiper Apartments  
B. Case Number 07-H-066

C. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments



70. R. BARRY ROBINSON, ASSISTANT U.S. ATTORNEY  
U.S. ATTORNEY OFFICE  
IRS HOUSING AND EMPLOYMENT DISCRIMINATION  
816 Congress Avenue, Ste 1000  
Austin, Texas 78701

- A. HUD case Number 06-06-0293-8  
Falcon Ridge Apartments
- B. Fifth Circuit Court of Appeals  
Petition for Review Number 06-60777  
HUD case Number 06-06-0293-8  
Falcon Ridge Apartments

#### **RELATED CASES**

- C. IRS-TD-EEO case Number 03-2339  
IRS Reasonable Reassignment Denied
- D. EEOC Telephone Hearing Case  
Number 360-2003-8286X
- E. Plaintiff Buesgens Involuntary  
Disability Retirement March 7, 2005
- F. MSPB case Number DA-1221-06-0171-W-1
- G. Civil Number 1:05CV00243-SS  
U.S. District Court Austin, Texas
- H. IRS Bankruptcy Crimes case  
Number 06-11164-FRM  
U.S. Bankruptcy Court Austin, Texas

71. EDWARD B. RUST, Jr., President, CEO  
State Farm Insurance Companies  
A. Tenant/Renter Policy Number 83-LV-578-9  
B. HUD case Number 06-06-0293-8  
One State Farm Plaza, #A  
Bloomington, Illinois 61710-0001
72. JAMES RUTROUGH, Vice Chairman  
State Farm Insurance Companies  
One State Farm Plaza, #A  
Bloomington, Illinois 61710-0001
73. JAY LAWRENCE VATH, ADJUSTER, INVESTIGATOR  
A. Subpoena Duces Tecum  
B. Civil Number 1:06CV00226-LY-RP, Austin, Texas  
State Farm Insurance Companies
74. MARC ERIC MALINGER, ATTORNEY  
State Farm Insurance Companies
75. WILLIAM KENNEDY CRONE, AGENT  
State Farm Insurance Companies
76. DENISE LOUISE BLACK, AGENT  
State Farm Insurance Companies
77. LEAF WALKER, CLAIMS REPRESENTATIVE  
State Farm Insurance Companies

78. STATE FARM FIRE & CASUALTY COMPANY  
CA SOS FILE NUMBER C0169564  
A. Plaintiff Buesgens Tenant/Renter Policy  
B. **Policy Number 83-LV-0578-9**  
C. Falcon Ridge Apartments  
D. **HUD case Number 06-06-0293-8**
79. STATE FARM LLOYDS  
A. Plaintiff Buesgens Tenant/Renter Policy  
B. **Policy Number 83-LV-0578-9**  
C. **Falcon Ridge Apartments**  
D. HUD case Number 06-06-0293-8
80. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
CA SOS FILE NUMBER C0129473  
A. Plaintiff Buesgens Auto Policy  
B. **Policy Number U24 0349-D30-53S**
81. DANA SILVER, REGISTERED AGENT  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
STATE FARM FIRE AND CASUALTY COMPANY  
3345 Michelson Drive, 4<sup>th</sup> Floor  
Irvine, California 92612
82. CARL M WEEKS, PRIVATE INVESTIGATOR, et al.  
WEEKS AND ASSOCIATES, LLC  
A. **Case Number 951.06-242**  
B. Michael Buesgens **VS.** Falcon Ridge Apartments  
316 West 12<sup>th</sup> Street, Ste 316  
Austin, Texas 78701  
Phone: 512-472-9989  
Fax: 512-494-1133

**Defendants**

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(2) Real Page/One-Site-Tenant Eviction/Credit Reporting Carrollton, Texas	
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(2) Michael Buesgens VS. Falcon Ridge Apts	
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## **I. JURISDICTION**

### **UNITED STATES DEFENDANT**

1. 28 USC Section 1346 (b) (1) and (C)

Kim Kendrick, Assistant Secretary U.S. Department of  
Housing & Urban Development Defendant

2. 28 USC Section 1346 (b) (1) and (C)

U.S. Department of Housing & Urban Development  
Defendant

3. Civil Rights Act of 1871

4. 42 USC Section 1983 Deprivation of Rights

5. 42 USC Section 1985 (a) and (b) Conspiracy to  
Interfere with Civil Rights

6. 42 USC Section 1986 Neglect to Prevent

7. 42 USC Section 1988 vindication of civil rights

### **FEDERAL QUESTION**

8. 28 USC Section 1331 claims alleged herein arise  
under the laws of the United States.

9. 28 USC Sections 2671-2680 et seq  
Federal Tort Claims Act (FTCA) (Form SF95)  
A. Personal Injury  
B. HUD case Number 06-0-0293-8

10. 5 USC Section 552 et seq  
Freedom of Information Act (FOIA)
  - A. HUD case Number 06-06-0293-8
  - B. HUD Administrative File
11. 5 USC Section 552(a) et seq  
Privacy Act
  - A. HUD case Number 06-06-0293-8
  - B. HUD Administrative File
12. 15 USC Section 1681 et seq  
Fair Credit Reporting Act (FCRA)
  - A. Failure to provide Tenant/Credit Report

### **DIVERSITY**

13. 28 USC Section 1332 (a) (1)
  - A. California
  - B. Oregon
  - C. Kansas
  - D. Texas

### **CIVIL RIGHTS**

14. 28 USC Section 1343 (a) and (1) (2) (3) (4)
15. 28 USC Section 1361
16. 28 USC Section 1367 (a)

This court has supplemental jurisdiction to hear and determine plaintiff Buesgens state law claims because those claims relate to Buesgens federal law claims and arise out of the common nucleus of the following related facts:

- A. Housing Discrimination
- B. Reasonable Accommodation Denied
- C. Apartment Rental Application Denied
- C. Refusal to provide copy of Tenant/Credit Report

## **II. VENUE**

17. 28 USC Section 1391 (b) (2) Venue is proper in the Northern District of California in that the unlawful conduct that gives rise to this claim occurred within the Northern District of California.

## **III CITIZENSHIP OF PRINCIPAL PARTIES**

18. Plaintiff Buesgens is citizen of Humboldt County, California. Defendants are citizens of Humboldt County, California, San Francisco County, California, Cook County, Illinois, and Harris County, Texas.

## **IV. PARTIES**

19. Each of the defendants named herein is sued in his or her individual capacity and in their official capacity.

## **V. INTRODUCTION**

1. Plaintiff Buesgens is 58 year-old person living with medical disability bipolar disorder and attention deficit disorder, who now **resides** in **Fortuna, CA**. Mr. Buesgens is a handicapped person within the meaning of the federal Fair Housing Act, 42 U.S.C. Section 3602(h) Americans with Disabilities Act, 42 U.S.C. section 12101 et seq, Rehabilitation Act of 1973, as amended, 29 U.S.C. section 701, and a disabled person within the meaning of California Government Code section 12955.3.

2. Plaintiff brings this action on behalf himself and as a representative of the public pursuant to California Business and Professions Code section 17204.

3. Plaintiff Buesgens has **housing discrimination complaint** against the foregoing defendants.

4. Plaintiff Buesgens apartment rental application and **reasonable accommodation request denied** by real estate brokers, property owners, and property managers Humboldt County, California.

5. Plaintiff Buesgens reasonable accommodation request, **change in policy and rules** for his tenant eviction and credit history to accommodate his medical disability.

6. Buesgens accommodation request is **necessary** to afford him the equal opportunity to use and enjoy dwelling.

7. Plaintiff Buesgens request is **reasonable**. There is **neither cost, nor undue hardship** for property owners, property managers, and real estate brokers.

8. Tenant Buesgens has the **ability** to pay rent and deposit.

9. The foregoing Humboldt County, California defendants have **refused** to make the accommodation.

## **VI. BACKGROUND**

10. Plaintiff Buesgens housing discrimination litigation is **complex**, multi-district, multi-party litigation, and has multiple causes of action.

**RELATED DISCRIMINATION  
HOUSING AND EMPLOYMENT  
FALCON RIDGE APARTMENTS  
COMMISSIONERS INTERNAL REVENUE SERVICE**

11. Plaintiff Buesgens is **former IRS employee**.

Buesgens **reasonable reassignment** requests **denied caused** Buesgens **involuntary** disability retirement at **IRS** Austin, Texas **March 7, 2005** and administrative claims filed under the **Federal Tort Claims Act**.

12. Plaintiff Buesgens is **former tenant** Falcon Ridge Apartments. Buesgens reasonable accommodation requests a change in policy and rules **denied caused** Buesgens housing discrimination complaint **HUD** case Number **06-06-0293-8** and administrative claims filed under the **Federal Tort Claims Act**.

13. Falcon Ridge Apartments is **located** one mile from Commissioners Internal Revenue Service Austin, Texas. **Many** IRS employees lived at Falcon Ridge Apartments.

**ARNOLD CARL TAUCH AND JACK CREGG MOSS  
FALCON RIDGE APARTMENTS**

14. Plaintiff Buesgens housing discrimination complaints in Humboldt County, California, Sacramento County, California, Clackamas County, Oregon, Johnson County, Kansas, and Travis County, Texas **arise** from **housing discrimination**, and **retaliatory eviction** at Falcon Ridge Apartments Travis County, Texas.

15. **Arnold Carl Tauch** and **Jack Cregg Moss**, property owners Falcon Ridge Apartments has **refused** to provide former tenant Michael Buesgens **tenant history** to Humboldt County real estate brokers, property managers, and property owners.

16. Mr. Tauch and Mr. Moss **refusal** to provide Plaintiff Buesgens Falcon Ridge Apartments tenant history has **contributed** to Michael Buesgens housing discrimination complaints and reasonable accommodation denied in Humboldt County, California.



**VII. EVICTION CASE NUMBER 041509**  
**FALCON RIDGE APARTMENTS**  
**JUSTICE OF THE PEACE, PRECINCTS 3 AND 5**  
**TRAVIS COUNTY, AUSTIN, TEXAS**

FALCON RIDGE APARTMENTS

Plaintiff

**V.**

MICHAEL L. BUESGENS

Defendant

17. Tenant Buesgens housing discrimination litigation began in **November 2005** at **Falcon Ridge Apartments** Travis County, Austin, Texas.

18. Plaintiff Buesgens **moved** into Falcon Ridge Apartments 500 East Stassney Lane, **Apartment 1023** Travis County, Austin, Texas 78745 on **June 28, 2003**.

19. Tenant Buesgens **renewed** his apartment lease contract on **December 5, 2005** for the period **December 26, 2005** through **October 22, 2006** at **\$619.00** per month.

20. **Arnold Carl Tauch** and **Jack Cregg Moss** Houston, Texas are Falcon Ridge Apartments property owners.

21. **Arnold Carl Tauch** and **Jack Cregg Moss** are real estate developers at Falcon Group, Harris County, 5225 Katy Freeway, Ste 530 Houston, Texas 77007.

22. Arnold Carl Tauch and Jack Cregg Moss **denied** Tenant Buesgens reasonable accommodation requests **November 19, 2005, December 22, 2005, June 19, 2006,** and **June 29, 2006.**

**ATTORNEYS  
FALCON RIDGE APARTMENTS  
FALCON APARTMENTS OF AUSTIN I, INC  
FALCON GROUP  
HOUSTON, TEXAS**

23. Charles Eads Brown, Attorney, Broker  
3624 North Hills Drive, B100  
Austin, Texas 78731  
Phone: 512-346-6000/Fax: 512-346-6005  
Email: [cbrown@charlesbrownlaw.com](mailto:cbrown@charlesbrownlaw.com)

24. Gregory Scott Cagle, Attorney  
Armbrust & Brown, LLP  
100 Congress Avenue, Ste 1300  
Austin, Texas 78701  
Email: [gcagle@abaustin.com](mailto:gcagle@abaustin.com)

25. Shelley Bush Marmon, Attorney  
Crady, Jewett, McCulley, LLP  
2727 Allen Parkway, Ste 1700  
Houston, Texas 77019  
Email: [samarmon@cjmlaw.com](mailto:samarmon@cjmlaw.com)

## OREGON AND NINTH CIRCUIT ATTORNEYS

- 26. Douglas G. Houser, Owner, Respondeat Superior
- 27. Lloyd Bernstein, Attorney
- 28. Maren J. Holmboe, Attorney
- 29. Lisa Lear, Attorney
- 30. R. Daniel Lindahl, Appellate Attorney  
Bullivant, Houser, Bailey, PC  
888 SW 5<sup>th</sup> Avenue, Ste 300  
Portland, Oregon 97204

31. See Bullivant, Houser, Bailey, PC in the following **related** housing discrimination cases:

- A. Civil Number 3:07CV00043-GMK  
U.S. District Court Portland, OR
- B. Ninth Circuit Appeal Number 07-35578
- C. Civil Number 3:08CV04061-PJH  
U.S. District Court San Francisco, CA

MICHAEL L. BUESGENS  
Plaintiff

**V.**

Scott H. Galloway, Recalcitrant Witness  
Falcon Ridge Apartments  
Defendant

32. **Arnold Carl Tauch, Jack Cregg Moss**, and their attorneys Charles Eads Brown, Gregory Scott Cagle, and Shelley Bush Marmon **denied** that tenant Buesgens had apartment lease contract at **Falcon Ridge Apartments**.

33. From **December 2005** through **June 2006** Arnold Carl Tauch, Jack Cregg Moss, and their attorneys Charles Eads Brown, Shelley Bush Marmon, and Gregory Scott Cagle **refused** to accept tenant Michael Buesgens monthly rent payment of **\$619.00**.

34. Tenant Buesgens reasonable accommodation request, a **change in policy and rules** at Falcon Ridge Apartments **denied**. Plaintiff Buesgens requested that no large dogs live directly above him in apartment **1033** because the **constant noise** on the ceiling of his apartment **aggravated** his medical disability bipolar and attention deficit disorder.

**VIII. DUAL FILED HUD CASE NUMBER 06-06-0293-8**  
**U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT**  
**CITY OF AUSTIN, TEXAS FAIR HOUSING OFFICE**  
**FAIR HOUSING EQUAL OPPORTUNITY (FHEO)**  
**FAIR HOUSING ASSISTANCE PROGRAM (FHAP)**

35. Tenant Buesgens filed housing discrimination complaint with U.S. Department of Housing & Urban Development on **December 28, 2005**.

36. See Dual Filed HUD case Number 06-06-0293-8, City of Austin, Texas, and HUD **administrative closure**

**February 17, 2006 based on trial has begun** in Arnold Carl Tauch and Jack Cregg Moss retaliatory eviction suit trial **January 26, 2006.**

**FEDERAL TORT CLAIMS ACT-FORM SF95**

37. Plaintiff Buesgens filed **two** administrative tort claims, **form SF95**, filed under the **Federal Tort Claims Act** (2006 and 2007) against the U.S. Department of Housing & Urban Development for their **misconduct** in administrative closure of HUD case Number 06-06-0293-8.

38. Plaintiff Buesgens **personal injury** federal tort claims against U.S. Department of Housing & Urban Development **not litigated** in any forum.

**HUD CASE NUMBER 06-06-0293-8  
HOUSING DISCRIMINATION**

39. **HUD does not have discretion** to close Plaintiff Buesgens housing discrimination complaint against Falcon Ridge Apartments based on trial has begun in Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments **eviction trial** against tenant Buesgens **January 26, 2006.**

40. Arnold Carl Tauch and Jack Cregg Moss **responded** to tenant Buesgens reasonable accommodation requests and housing discrimination complaint with **retaliatory eviction complaint** filed **December 30, 2005** at Justice of the Peace Precinct Numbers 3 and 5 Travis County, Austin, Texas.

**IX. CHARLES EADS BROWN, EVICTION ATTORNEY**  
**FALCON RIDGE APARTMENTS**

41. See Eviction **case** Number **041509**, jury trial **January 26, 2006** and Falcon Ridge Apartments eviction attorney Charles Eads Brown 3624 North Hills Drive, B100 Austin, Texas 78731.

42. **Charles Eads Brown, Eviction Attorney, Real Estate Broker misconduct** at jury selection-voir dire **January 26, 2006** and his **interference** in Buesgens housing discrimination complaint **contributed** to Buesgens losses at eviction trial, eviction appeal trial, and at U.S. Department of Housing & Urban Development.

43. Attorney Brown **polluted the well** at **voir dire** with his talk about Buesgens medical disability and

bipolar medications on **January 26, 2006** at Justice of the Peace Precinct Number 5 Travis County, Austin, Texas eviction case Number 041509.

44. The **sole issue** in eviction and unlawful detainer is possession of the property.

#### **X. VOIR DIRE MEMBERS-JURY SELECTION**

45. There were approximately **18 voir dire members** at jury selection for Falcon Ridge Apartments eviction trial **January 26, 2006**.

46. Plaintiff Buesgens has **contacted** voir dire members by mail in **2006, 2007, and 2008**. Buesgens requested voir dire member's **testimony** against Falcon Ridge Apartments attorney Charles Eads Brown. Voir dire members **refuse** to respond to Buesgens requests for testimony.

47. Travis County Courts and U.S. District Court Austin, Texas **refused** to issue subpoena or summons for voir dire members.



48. See Plaintiff Buesgens case filing against **voir dire member** Alan Roswell Weiner. Mr. Weiner now lives in **Redmond, Washington**.

A. Civil Number 2:07CV01846-TSZ-RAJ  
U.S. District Court Seattle, Washington

B. Ninth Circuit Appeal Number 08-35202

Michael L. Buesgens

Plaintiff-Appellant

**V.**

Alan Roswell Weiner, Recalcitrant Witness  
Voir Dire Member, Microsoft Employee

Defendant

49. See Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments attorney Shelley Bush Marmon, Crady, Jewett, McCulley Houston, Texas **appearance** in civil Number 2:07CV01846-TSZ-RAJ and Ninth Circuit Appeal Number 08-35202.

50. **Shelley Bush Marmon** does not have license to practice law in Washington or the Ninth Circuit.

## **XI. COLLUSION AND CONSPIRACY**

51. Plaintiff Buesgens alleges **collusion** and **conspiracy in violation of 43 USC section 1983, section 1985 (2) and (3), and section 1986** amongst and between the following:

- (1). Arnold Carl Tauch, Property Owner  
Falcon Ridge Apartments
- (2). Jack Cregg Moss, Litigation Manager  
Falcon Ridge Apartments
- (3). Falcon Ridge Apartments
- (4). Falcon Ridge Apartments attorneys  
Texas and Oregon
- (5). Megan Monique Goeres, Companion  
Falcon Ridge Apartments
- (6). Andiruh Dev Sarwal, Weimaraner Dog  
Austin, Texas
- (7). Melanie Plowman Sarwal, Spouse
- (8). Patricia Goeres Galloway, Mom  
West Linn, Oregon
- (9). Scott H. Galloway, Stepfather
- (10). Ryan Eugene Goeres, Brother  
Midland, Texas
- (11). Mandy Marie Rogers, Manager  
Falcon Ridge Apartments  
Austin, Texas

- (12). Amanda Nicollet Wilson-Torres, Leasing Agent Falcon Ridge Apartments
- (13). Leann Behl, Assistant Manager Falcon Ridge Apartments
- (14). Samantha Dawn Shepherd, Assistant Manager Falcon Ridge Apartments
  - A. \$3, 893.00 Unlawful Reletting Fees
  - B. Real Page One Site Tenant Eviction/Credit Report
- (15). Dorienne Arzu Bonilla, IRS Supervisor, Former Tenant Falcon Ridge Apartments Apartment 734
- (16). State Farm Insurance Companies Tenant/Renter Policy No. 83-LV-0578-9
- (17). Travis County, Texas
- (18). City of Austin, Texas
- (19). State of Texas
- (20). U.S. Department of Housing & Urban Development
  - A. HUD case Number 06-06-0293-8
  - B. Federal Tort Claims Act (FTCA)
- (21). R. Barry Robinson, AUSA U.S. Attorney Office, Austin, Texas
  - A. HUD case Number 06-06-0293-8
  - B. EEOC case Number 360-2003-8286X
  - C. MSPB case Number DA-1221-06-0171-W1
  - D. Civil Number 1:05CV00243-SS
  - E. IRS Bankruptcy Crimes case Number 06-11164-FRM

(22). Travis County, Texas Courts

(23). U.S. District Court Austin, Texas

(24). Voir Dire Members-Trial 01/26/2006  
Falcon Ridge Apartments

## **XII. CRIMINAL STATUTE VIOLATIONS**

52. The foregoing individuals, persons, entities, City, County, State, and Federal Government Agencies in violation of the following statutes:

- (1). 18 U.S.C. Sections 1503, 1505, and 1509,  
Obstruction of Justice
- (2). 18 U.S.C. Section 1512 (b) (1)  
Obstruction of Justice
- (3). 18 U.S.C. Section 1512 (b) (2) (A), (B),  
(C), and (D), Obstruction of Justice
- (4). 18 U.S.C. Section 1512 (d) (1)  
Obstruction of Justice
- (5). 18 U.S.C. Section 1028 (a) (1)  
Fraud and False Statements
- (6). 18 U.S.C. Section 1621 (1) and (2)  
Perjury
- (7). 18 U.S.C. Section 1622  
Subornation of Perjury
- (8). 18 U.S.C. Section 1623 (a)  
False Statements before Court

- (9). 18 U.S.C. Section 402  
Contempts Constituting Crimes

**XIII. INTENTIONAL DESTRUCTION OF EVIDENCE**  
**SPOILATION OF EVIDENCE**

53. Plaintiff Buesgens alleges that U.S. Attorney Office, U.S. Department of Housing & Urban Development, persons, and entities intentionally destroyed records in the following related cases:

- (1). HUD case Number 06-06-0293-8
  - A. Housing Discrimination
  - B. Falcon Ridge Apartments
- (2). Eviction case Number 041509
  - Falcon Ridge Apartments
  - A. Arnold Carl Tauch, Property Owner
  - B. Jack Cregg Moss, Litigation Manager
- (3). Civil Number 1:06CV00226-LY-RP
  - Michael Buesgens V. Falcon Ridge Apartments
  - U.S. District Court Austin, Texas
- (4). IRS-TD-EEO case 03-2339
  - A. Reasonable Reassignment Denied
  - B. Commissioners Internal Revenue Service
- (5). EEOC Telephone case Number 360-2003-8286X
  - Michael L. Buesgens V. Department of the Treasury
- (6). MSPB case Number DA-1221-06-0171-W-1
  - Michael L. Buesgens V. Department of the Treasury

- (7). Civil Number 1:05CV00243-SS  
U.S. District Court Austin, Texas  
Michael L. Buesgens V. Department of the  
Treasury
- (8). IRS Bankruptcy Crimes case Number 06-11164
  - A. Donald Ray Tawney Jr., Debtor,  
IRS Manager
  - B. Cheryl Ann Maxwell Bauman Rountree  
Tawney, Spouse, IRS Manager

54. Buesgens alleges there is **coordinated and consolidated** effort amongst and between the foregoing to prevent voir dire members from testifying, HUD fraudulent concealment of administrative record for HUD case Number 06-06-0293-8, and conspiracy to deny Plaintiff Buesgens insurance claims filed under his tenant/renter policy at State Farm Insurance Companies.

55. U.S. Attorney Office and U.S. Department of Housing & Urban Development has **stake** in Plaintiff Buesgens litigation against Falcon Ridge Apartments. See **HUD** case Number **06-06-0293-8** and Buesgens **petitions for review** at Fifth Circuit, Petition Number **06-60777** and Tenth Circuit petition Number **07-9574**.

#### **XIV. INTEFERENCE**

56. Attorney Brown **interfered** in Buesgens dual filed HUD case Number 06-06-0293-8 at City of Austin, Texas Fair Housing Office, and U.S. Department of Housing & Urban Development, **in violation** of 42 U.S.C. section 3617.

57. **Charles Eads Brown**, Eviction Attorney **sent** letter dated **February 10, 2006** with exhibits of court filings from eviction trial **January 26, 2006** at Justice of the Peace Precinct Number 5 to HUD and City of Austin Fair Housing Office.

58. HUD and City of Austin Texas Fair Housing Office **responded** to Attorney Brown letter by **sending** Plaintiff Buesgens letter dated **February 17, 2006**. **Notifying** Buesgens of **administrative closure** of his dual filed HUD case Number 06-06-0293-8 **based on trial has begun (January 26, 2006)** in Arnold Carl Tauch, Jack Cregg Moss and Falcon Ridge Apartments **eviction trial** against tenant Buesgens.



**XV. MEGAN MONIQUE GOERES**  
**ANDIRUH DEV SARWAL**  
**MELANIE PLOWMAN SARWAL**  
**RYAN EUGENE GOERES**  
**SCOTT GALLOWAY**  
**PATRICIA GOERES GALLOWAY**

59. Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments had **volunteer paid for witness Megan Monique Goeres** testify against tenant Michael L. Buesgens in **two** trials on **January 26, 2006** and **June 16, 2006**.

60. **Megan Monique Goeres** lived with **Andiruh Dev Sarwal**, attorney, real estate developer in a one-bedroom apartment at Falcon Ridge Apartments 500 East Stassney, Apartment **1033** Austin, Texas 78745.

61. Andiruh Dev Sarwal is the **owner** of Weimaraner dog that tenant Buesgens complained about.

62. **Megan Monique Goeres** did not have Falcon Ridge Apartments **pet addendum** for **Weimaraner dog**.

63. **Andiruh Dev Sarwal**, Attorney was not on Megan Monique Goeres Falcon Ridge Apartments lease contract.

64. Andiruh Dev Sarwal is **married** to Melanie Plowman Sarwal, Attorney **Weil, Gotshal, Manges** Austin, Texas.

65. **Scott H. Galloway**, Defendant civil action Number 4:07CV04061-PJH West Linn, Oregon is Megan Goeres **stepfather**.

66. **Patricia Goeres Galloway** West Linn, Oregon is Megan Goeres **mother**.

67. Ryan Eugene Goeres Midland, Texas is Megan Goeres **brother** and **weimaraner dog exerciser** at Falcon Ridge Apartments.

68. Weimaraners are large high-energy dog and not suited to apartment living. Weimaraner dogs are **different** from other large dogs in that they require vigorous exercise every day.

69. Weimaraner dogs **suffer** when left alone for long periods. **Megan Monique Goeres** and her companion **Andiruh Dev Sarwal** left Weimaraner dog alone for 10 to 12 hours per day in a cage at their small one bedroom Falcon Ridge Apartment, Apartment Number **1033**.

70. Plaintiff Buesgens alleges that Megan Monique Goeres **received compensation** for her testimony against him at trial **January 26, 2006** and eviction appeal trial **June 16, 2006** Travis County Austin, Texas.

71. Plaintiff Buesgens alleges that **Megan Monique Goeres** received the following compensation:

A. In **January 2006**, Goeres moved to larger apartment at Falcon Ridge Apartments and received **reduced fee**.

B. **Goeres** purchased home on **July 3, 2006** for sales price **\$186,000.00**. Buesgens alleges that **Arnold Carl Tauch, Jack Cregg Moss, and Andiruh Dev Sarwal** paid **\$45,000.00** down payment on Goeres home in return for her services.

72. In **2005** and **2006**, Megan Goeres was driving a late model car with approximate value of **\$2,000.00**.

73. Plaintiff Buesgens alleges that **recalcitrant witnesses** Scott Galloway, Patricia Goeres Galloway, and Ryan Eugene Goeres has **evidence of wrongdoing** by Arnold Carl Tauch, Jack Cregg Moss, Andiruh Dev Sarwal, and

Megan Monique Goeres that **supports** his claims of **housing discrimination** at **Falcon Ridge Apartments**.

74. Megan Monique Goeres, Weimaraner dog owner Falcon Ridge Apartments 500 East Stassney, Apartment **1033** Austin, Texas 78745 **testified** against tenant Buesgens.

75. In **November** and **December 2005** Plaintiff Buesgens complained about Weimaraner **dog noise** to Falcon Ridge Apartments managers Mandy Marie Rogers, Leann Behl, Amanda Nicollete Wilson-Torres, Samantha Dawn Shepherd, and City of Austin Police and Austin Animal Control.

76. **Charles Eads Brown**, Eviction Attorney **decided** that tenant Buesgens complaints were **harassment** and that was his and Megan Goeres complaint at eviction trial January 26, 2006.

77. **Megan Monique Goeres** whined and cried the entire time at eviction **jury trial** January 26, 2006.

78. **Charles Eads Brown**, Eviction Attorney took the stand himself at eviction trial and **complained** about

tenant Buesgens. Mr. Brown **complained** that he has never had to spend so much time on eviction and told the jury he was entitled to **\$10,000.00** attorney fees.

79. The jury awarded Attorney Brown, Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments the **maximum amount** allowed **\$5,000.00** on January 26, 2006.

80. Tenant Buesgens filed appeal to Travis County Court at Law Number 1 and paid cash appeal bond of **\$10,000.00** on **January 29, 2006**.

81. Buesgens **\$10,000.00** appeal bond **turned over** to Arnold Carl Tauch and Jack Cregg Moss at Falcon Ridge Apartments in **September 2006**.

82. Eviction appeal cause Number C-1-CV-06-000678 Travis County Court at Law Number 1 Austin, Texas. Trial **June 16, 2006**. **Megan Monique Goeres** volunteer paid for witness **testified** against tenant Michael L. Buesgens.

83. Plaintiff Buesgens **loses** eviction appeal cause Number C-1-CV-06-000678 on **June 16, 2006** at Travis County Court at Law Number 1 Austin, Texas.

84. Judge J. David Phillips **orders** the following: Buesgens must pay Arnold Carl Tauch, Jack Cregg Moss, Falcon Ridge Apartments, and attorneys Charles Eads Brown, Shelley Bush Marmon, and Gregory Scott Cagle **\$30,000.00**. Moreover, if Buesgens appeals to Third Court of Appeals Austin, Texas, he must pay **\$5,000.00** more and if he appeals to Texas Supreme Court, he must **\$5,000.00** more.

85. Plaintiff Buesgens lived at Falcon Ridge Apartments after the first trial **January 26, 2006** and still lived at Falcon Ridge Apartments on **June 16, 2006**.

86. **Writ of possession** executed at Falcon Ridge Apartments **July 6, 2006** at 10:00 am.

87. Buesgens was at his doctor's office J. Rex Wier III, MD for 10:00 am appointment on July 6, 2006. Buesgens was **not present** at writ of possession.

**XVI. SETON SHOAL CREEK HOSPITAL AUSTIN, TEXAS**

88. Plaintiff Buesgens admitted Seton Shoal Creek Hospital **July 6, 2006** for decompensate bipolar and discharged on **July 12, 2006**. Total hospital cost **\$7,390.00** paid for by Buesgens Blue Cross Blue Shield federal employee plan health insurance.

89. Buesgens possessions **stolen and removed**, from his apartment number **1023**, Falcon Ridge Apartments, **July 6, 2006** through **July 12, 2006**.

90. Plaintiff Buesgens had **10 boxes** of medical records and federal court evidence for **pending** and **potential** litigation. Buesgens alleges his medical records and federal court evidence **turned over** to **R. Barry Robinson**, Assistant U.S. Attorney, and U.S. Attorney Office Austin, Texas.

91. Plaintiff Buesgens had the following **pending** litigation:

A. **Civil Number 1:06CV00226-LY-RP**  
Housing Discrimination  
U.S. District Court Austin, Texas



Michael L. Buesgens  
Plaintiff

**V.**

Falcon Ridge Apartments, et al  
Defendants

**B. Civil Number 1:05CV00243-SS**  
IRS Employment Discrimination  
U.S. District Court Austin, Texas

Michael L. Buesgens  
Plaintiff

**V.**

John W. Snow, Secretary  
Department of the Treasury

**C. MSPB case Number DA-1221-06-0171-W-1**  
U.S. Merit Systems Protection Board

Michael L. Buesgens  
Petitioner

**V.**

Department of the Treasury  
Respondent

92. Plaintiff Buesgens is **former IRS employee**.  
Buesgens **reasonable reassignment** requests **denied** at the  
Commissioners Internal Revenue Service **caused** his  
**involuntary** disability retirement on **March 7, 2005**.

93. Plaintiff Buesgens alleges that **IRS employees** living at Falcon Ridge Apartments **talked** to Falcon Ridge Apartments managers about his medical disability and involuntary disability retirement at IRS.

94. For example **Dorienne Arzu Victoria Bonilla**, IRS supervisor lived in **apartment 734 Falcon Ridge Apartments** and Dorienne Bonilla was **former supervisor** for Plaintiff Buesgens at Internal Revenue Service Customer Service Building 1821 Directors Blvd Austin, Texas 78744.

95. IRS employee's **discrimination** against Buesgens at Falcon Ridge Apartments **contributed** to Falcon Ridge Apartments adverse actions and housing discrimination.

#### **XVII. UNLAWFUL RELETING FEES AND DOUBLE RENT**

96. From **July 6, 2006** through **July 13, 2006** Arnold Carl Tauch, Jack Cregg Moss put **\$3,893.00** charge on Buesgens tenant credit report at **Real Page-One-Site Carrollton, Texas** tenant credit and eviction reporting company.

97. Arnold Carl Tauch and Jack Cregg Moss **now claim** that Plaintiff Buesgens does have apartment lease contract.

**XVIII. CARL M WEEKS, PRIVATE INVESTIGATOR**  
**WEEKS AND ASSOCIATES AUSTIN, TEXAS**

98. Plaintiff Buesgens **hires** private investigator to **investigate** Megan Monique Goeres and the theft of his medical records and federal court evidence at Falcon Ridge Apartments.

99. **Carl Weeks informs** Buesgens that no one will talk to him and nothing he can do about that.

100. **Carl Weeks informs** Buesgens that Andiruh Dev Sarwal lived with Megan Goeres at Falcon Ridge Apartments.

101. Plaintiff Buesgens alleges that Carl Weeks is **concealing** information and evidence that **supports** his housing discrimination complaint against Arnold Carl Tauch, General Partner, Jack Cregg Moss, General Partner, and Falcon Ridge Apartments, et al.

102. Plaintiff Buesgens alleges that Carl Weeks, Private Investigator has information that supports his

personal injury and theft claims with State Farm Insurance Companies.

**XIX. STATE FARM INSURANCE COMPANIES**  
**TENANT/RENTER POLICY NUMBER 83-LV-0578-9**

103. Policyholder Buesgens has State Farm **tenant/renter policy** at **Falcon Ridge Apartments**.

104. Plaintiff Buesgens filed **personal injury** and **theft** claims at state farm from **July 6, 2006** through **July 13, 2006, 2007, and 2008**.

105. State Farm **refused** to pay Buesgens claims at Falcon Ridge Apartments.

106. State Farm **cancelled** Buesgens tenant/renter policy **August 2006**.

107. State Farm Insurance Companies **sent** policyholder Buesgens **\$110.00** refund check.

108. Policyholder Buesgens **did not** cash State Farm Check and **sent** it back to State Farm.

109. **Jay Lawrence Vath**, State Farm adjuster did investigation of Plaintiff Buesgens personal injury and theft claims at **Falcon Ridge Apartments**.

110. State Farm **refuses** to **release** their **investigative record** to policyholder Buesgens and the courts.

111. Plaintiff Buesgens **served** subpoena duces tecum on **Jay Lawrence Vath** in civil Number **1:06CV00226-LY-RP** U.S. District Court for the Western District of Texas, Austin Division.

112. U.S. District Court for Western District of Texas Austin Division **refuses** to **enforce** Buesgens **service** of subpoena duces tecum.

**XX. HUD FREEDOM OF INFORMATION ACT**  
**HUD PRIVACY ACT**

113. Plaintiff Buesgens **began** requesting U.S. Department of Housing and Urban Development **administrative record** for his housing discrimination complaint against Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments, **HUD** case Number **06-06-0293-8** in **2006** and his requests continued in **2007** and **2008**.

114. U.S. Attorney Office and HUD **refuse** to **release** HUD administrative record for Plaintiff

Buesgens housing discrimination complaint against Falcon Ridge Apartments.

**XXI. UNITED STATES ATTORNEY OFFICE NATIONWIDE**

115. **U.S. Attorney Office** is **standing all over** Plaintiff Buesgens related housing and employment litigation. The **U.S. Attorney Office is in charge** of Buesgens litigation. Federal agencies, private individuals, and entities **regularly consult** with **U.S. Attorney Office** for their **marching orders**.

**XXII. HOTEL EXTENDED STAY, INC**

116. Plaintiff Buesgens **moves** into Extended Stay Hotel on **July 17, 2006, because** no one will rent apartment.

117. Buesgens **moves out** of Extended Stay Hotel on **October 21, 2008**. Hotel bill **\$40,000.00**

**XXIII. THE MAYES FAMILY  
THE HEIGHTS APARTMENTS  
LIBERTY MANAGEMENT GROUP  
HOUSING DISCRIMINATION  
MILWAUKIE, OREGON**

118. December 2006 Michael L. Buesgens submitted apartment rental application and reasonable accommodation request to Gregory Mayes, **The Heights Apartments**, and Liberty Management Group Milwaukie, Oregon.

119. Plaintiff Buesgens **requested** change in policy and rules for his tenant eviction/credit history at Falcon Ridge Apartments Austin, Texas.

120. The **same** reasonable accommodation requests Buesgens made to Humboldt County, California real estate brokers, property owners, and property managers.

121. Gregory Mayes, property owner the Heights Apartments, Liberty Management Group **denied** Plaintiff Buesgens apartment rental application and reasonable accommodation request **January 2007**.



122. Gregory Mayes, William Mayes, and Shirley Mayes **refused** to give Plaintiff Buesgens a copy of his tenant/credit history report.

123. Plaintiff Buesgens **sent** numerous letters to Mayes Family in 2007 and 2008. Buesgens requested his tenant/credit report. The Mayes family **refuses** to respond.

**XXIV. MICHAEL A FORCE, PRESIDENT  
BRENDA A. MORGAN, PROPERTY MANAGER  
MARY BANKS, APARTMENT MANAGER  
SANDPIPER APARTMENTS  
D/B/A WESTCAL MANAGEMENT  
PACIFIC CITIES MANAGEMENT  
HOUSING DISCRIMINATION  
CARMICHAEL AND SACRAMENTO, CALIFORNIA**

124. Plaintiff Buesgens apartment application and reasonable accommodation request submitted **August 2007**. Buesgens **requested** change in policy and rules for his eviction/credit history at **Falcon Ridge Apartments**. The **same** reasonable accommodation request he has with **Humboldt County, California** real estate brokers, property owners, and property managers.

125. Michael A. Force, Brenda A. Morgan, and Mary Banks **denied** Plaintiff Buesgens apartment application and reasonable accommodation request and **declared** that Buesgens does not have eviction.

126. Plaintiff Buesgens **sent** numerous letters in 2007 and 2008 requesting copy of his tenant/credit report to Michael A. Force, Brenda A. Morgan, and Mary Banks, Sandpiper Apartments, Sacramento, California.

127. Force, Morgan, and Banks Sandpiper Apartments **refused** to respond to Buesgens tenant/credit report requests until August 2008.

128. Michael A. Force, Brenda A. Morgan, and Mary Banks Sandpiper Apartments **sent** Plaintiff Buesgens letter notifying him that he does not have eviction at Falcon Ridge Apartments.

129. Force, Morgan, and Banks Sandpiper Apartments Sacramento, California made the decision that Buesgens did not have eviction. **Based** on reports they received from the following:

A. **Arnold Carl Tauch, Jack Cregg Moss,**  
property owners, Falcon Ridge Apartments Austin, Texas.

B. **Thomas Harrington,** Registered Agent On-Site  
Manager tenant eviction/tenant credit reporting company  
Mountain View, California.

130. **Michael A. Force, Brenda A. Morgan,** and **Mary Banks** notified Plaintiff Buesgens that his reasonable accommodation request is **not necessary** because he does not have eviction at Falcon Ridge Apartments.

131. On-Site Manager and Sandpiper Apartments participated in fraudulent

132. Force, Morgan, and Banks told Buesgens they **denied** his apartment application because he did not have qualifying income to rent apartment.

133. Plaintiff Buesgens had the following income:

A. \$1,393.00 monthly disability income from  
Commissioners Internal Revenue Service

B. \$2,000.00 monthly income from Individual  
Retirement Account

134. The monthly rent at Sandpiper Apartments Sacramento, California is approximately \$600.00 to \$1,000.00.

135. Plaintiff Buesgens filed housing discrimination complaint against Michael A. Force, Brenda A. Morgan, and Mary Banks at U.S. Department of Housing and Urban Development San Francisco, California.

136. **R. Faye Austin**, General Counsel, and **Charles E. Hauptman**, Director Fair Housing Equal Opportunity, U.S. Department of Housing & Urban Development **Region 9** San Francisco, California **refused** to accept Plaintiff Buesgens **2007** housing discrimination complaint against Michael A. Force, Brenda A. Morgan, and Mary Banks Pacific Cities Management, Inc, Westcal Management and Sandpiper Apartments Sacramento, California.

137. **John W. Meyers**, Director, **Glen Youngblood**, Intake Specialist U.S. Department of Housing and Urban Development **Region 10** Seattle, Washington **refused** to accept Plaintiff Buesgens housing discrimination filed

in **2007** against the Mayes family, Liberty Management Group, the Heights Apartments Milwaukie, Oregon.

138. **HUD officials R. Faye Austin, Charles E. Hauptman, John Meyers, and Glen Youngblood refused to accept Buesgens housing discrimination complaint against Sandpiper Apartments Sacramento, California and the Heights Apartments Milwaukie, Oregon because his housing discrimination complaint against them arises from his housing discrimination complaint against Falcon Ridge Apartments Austin, Texas.**

139. **See HUD case Number 06-06-0293-8 and administrative closure February 17, 2006 based on trial has begun in Arnold Carl Tauch, Jack Cregg Moss property owners Falcon Ridge Apartments eviction trial January 26, 2006.**

140. **HUD does not have discretion to close Buesgens housing discrimination complaint against Falcon Ridge Apartments based on trial has begun in their eviction suit against defendant Buesgens.**

141. Plaintiff Buesgens filed housing discrimination complaint, case Number **07-H-066** against Sandpiper Apartments with **Dana E. Wallack**, Staff Attorney, **Richard K. Uno**, Staff Attorney Human Rights/Fair Housing Commission of the City and County of **Sacramento, California**.

142. Plaintiff Buesgens alleges that Wallack, Uno, and the Human Rights/Fair Housing Commission of the City and County of Sacramento **failed** to provide Buesgens a complete copy of their investigation of his housing discrimination complaint against Michael A. Force, Brenda A. Morgan, Mary Banks, and Sandpiper Apartments.

143. **Because** of, Plaintiff Buesgens housing discrimination complaint against **Falcon Ridge Apartments** and **HUD misconduct** in administrative closure of **HUD case Number 06-06-0293-8** on **February 17, 2006** based on trial has begun in **Arnold Carl Tauch, Jack Cregg Moss**, property owners Falcon Ridge Apartments eviction trial **January 26, 2006**.

**XXV. HUD AND U.S. ATTORNEY OFFICE**

144. HUD case Number 06-06-0293-8 is ripe for **reversible error** back to **December 28, 2006**. HUD and U.S. Attorney Office have done everything they can to prevent reversible error.

145. See HUD and U.S. Attorney Office in Petitioner Buesgens **Petitions for Review** of HUD case Number **06-06-0293-8** at Fifth Circuit Court of Appeals and Tenth Circuit Court of Appeals.

A. Petition for Review Number **06-60777**  
Fifth Circuit Court of Appeals

B. R. Barry Robinson, AUSA, Austin, Texas

C. Petition for Review Number **07-9574**  
Tenth Circuit Court of Appeals

D. Michael C. Johnson, AUSA, Denver, Colorado

146. HUD and U.S. Attorney Office **refused** to provide HUD case Number 06-06-0293-8 **administrative record** for review at **Fifth Circuit** Court of Appeals and **Tenth Circuit** Court of Appeals.



**XXVI. TENANT EVICTION/CREDIT REPORTING**  
**NATIONWIDE TENANT SCREENING COMPANIES**

147. The **players** National Tenant Network, **Lake Oswego, Oregon**, On-Site Manager, **Mountainview, California**, Real Page One-Site, **Carrollton, Texas**.

148. National Tenant Network (NTN) has **refused** to provide copy of their eviction/credit report for Falcon Ridge Apartments to Plaintiff Buesgens since **2006**.

149. National Tenant Network (NTN) **not registered** to transact business in California.

150. National Tenant Network (NTN) **reported** Plaintiff Buesgens eviction at Falcon Ridge Apartments to **Coldwell Banker/Cutten Realty Eureka, California** on **November 11, 2008**.

151. **On-Site Manager**, Mountainview, California **colluded** with Michael A. Force and Brenda A. Morgan Sandpiper Apartments, Sacramento, California to **not report**, Plaintiff Buesgens eviction history at Falcon Ridge Apartments, **because** of his reasonable accommodation requests at **Sandpiper Apartments**.

152. Real-Page One-Site Carrollton, Texas **refused** to respond to Plaintiff Buesgens eviction record requests at Falcon Ridge Apartments Austin, Texas since **2006**.

153. **Real Page One-Site** Carrollton, Texas **refused** to respond to Plaintiff Buesgens record requests for **Falcon Ridge Apartments** unlawful reletting charges and double rent charges of **\$3,893.00**.

154. Plaintiff Buesgens alleges **Real Page One-Site** Carrollton, Texas **conspired** in **cover-up** with Arnold Carl Tauch and Jack Cregg Moss, property owners Falcon Ridge Apartments to **conceal** Buesgens eviction record and double rent charges **\$3,893.00**.

155. **Arnold Carl Tauch, Jack Cregg Moss**, and their employee **Samantha Dawn Shepherd**, Manager Falcon Ridge Apartments charged Plaintiff Buesgens **\$3,893.00** in double rent charges **July 6, 2006** through **July 13, 2006** for his apartment lease contract that expired on **October 22, 2006**.

156. The **same** Falcon Ridge Apartment **lease contract** that Arnold Carl Tauch, Jack Cregg Moss and their attorneys Charles Eads Brown, **Shelley Bush Marmon**, and Gregory Scott Cagle **denied** Buesgens had in HUD case Number **06-06-0293-8**, eviction case Number **041509**, eviction appeal cause Number **C-1-CV-06-000678**, civil action Number **1:06CV00260-LY**, and civil action Number **1:06CV00226-LY-RP** Austin, Texas.

157. **Arnold Carl Tauch, Jack Cregg Moss**, General Partners, Real Estate Developers, Property Owners Falcon Ridge Apartments Houston and Austin, Texas has **refused** to provide Plaintiff Michael L. Buesgens tenant history to the following:

- (1). The Heights Apartments  
A. Liberty Management Group  
Milwaukie, Oregon
- (2). Sandpiper Apartments  
A. D/B/A Westcal Management  
B. Pacific Cities Management  
Sacramento, California
- (3). Four Winds Apartments  
Overland Park, Kansas
- (4). Passco Real Estate Enterprises  
A. Passco Realty, Inc

B. Passco Four Winds S, LLC  
C. Four Winds Apartments  
Irvine, California

(5). Coldwell Banker/Cutten Realty  
Eureka, California

(6). Cottage Realty  
McKinleyville, California

(7). Humboldt Realty Corporation  
Humboldt Property Management  
Arcata, California

(8). PMI Investments, Inc  
A. Professional Property Management  
Eureka, California

(9). Strombeck Properties  
Arcata, California

(10). Bode Executive Property Management  
Eureka, California

158. Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments **refusal** to provide Plaintiff Buesgens **tenant history** to the foregoing real estate brokers, property owners, and property managers, **contributed** to their **denials** of his apartment application and reasonable accommodation request for change in rules and policy.

159. **Arnold Carl Tauch, Jack Cregg Moss,** and Falcon Ridge Apartments want Plaintiff Buesgens eviction/credit history when it **serves** their litigation agenda.

160. Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments **conceal** Plaintiff Buesgens eviction/credit history when it **serves** their litigation agenda.

161. Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments **hired** the following Attorneys and Law Firms to **serve** their litigation agenda:

- (1). Charles Eads Brown  
3624 North Hills Drive, B100  
Austin, Texas 78731
- (2). Shelley Bush Marmon  
Crady, Jewett, McCulley, LLP  
2727 Allen Parkway, Ste 1700  
Houston, Texas 77019
- (3). Gregory Scott Cagle  
Armbrust & Brown, LLP  
100 Congress Avenue, Ste 1300  
Austin, Texas 78701
- (4). Douglas G. Houser
- (5). Maren J. Holmboe
- (6). Lloyd Bernstein
- (7). R. Daniel Lindahl, Appellate Attorney

(8). Lisa Lear  
Bullivant Houser Bailey, PC  
Lindahl Law Firm  
888 SW Fifth Avenue, Ste 300  
Portland, Oregon 97204

162. The U.S. Attorney Office and U.S. Department of Housing and Urban Development **support** the **misconduct** by Arnold Carl Tauch, et al, **because** of their **misconduct** in Plaintiff Buesgens housing discrimination complaint against Falcon Ridge Apartments, **HUD case Number 06-06-0293-8.**

163. HUD and City of Austin Fair Housing Office Austin, Texas did administrative closure on **February 17, 2006** of Plaintiff Buesgens **dual filed** housing discrimination complaint against Arnold Carl Tauch, Jack Cregg Moss, and Falcon Ridge Apartments **based on trial has begun** in Falcon Ridge Apartments eviction case Number **041509.**

164. **HUD does not have discretion** to do **administrative closure** of Plaintiff Buesgens housing discrimination complaint against Falcon Ridge Apartments **based on trial has begun** in Arnold Carl

Tauch and Jack Cregg Moss **unlawful detainer trial**  
**January 26, 2006.**

165. Tenant eviction/credit reporting companies National Tenant Network, On-Site Manager, Real Page One-Site have **participated** in Falcon Ridge Apartments, HUD, and U.S. Attorney **misconduct** with apartment owners and property managers in California, Oregon, Kansas, and Texas, by **concealing** Plaintiff Buesgens record history and/or **refusing** to provide copy of his tenant/credit report to him since **2006**.

## **XXVII. CONCLUSION**

166. Arnold Carl Tauch, Jack Cregg Moss, Falcon Ridge Apartments, State Farm Insurance Companies, U.S. Department of Housing and Urban Development, and U.S. Attorney Office, et al., **misconduct** and **wrongdoing**, Austin, Texas, in violation of Fair Housing Act, Americans with Disabilities Act, and Rehabilitation Act of 1973. Caused continuing violations, **produced** more **players**, and **causes of action** in the following venues:

A. California



B. Oregon

C. Washington

D. Kansas

167. Plaintiff Buesgens **related** IRS Housing and IRS employment discrimination complaints that began in Austin, Texas are now **continuing violations** in the Ninth Circuit.

**XXVIII. PLAINTIFF BUESGENS MOVES TO CALIFORNIA**

168. Plaintiff Buesgens moves to California on **October 21, 2008** and arrives in Santa Rosa, California on **October 23, 2008**.

169. Buesgens **moves** to Arcata, California on **October 30, 2008** and begins looking for apartment the following day.

**XXIX. ORIGINS OF PLAINTIFF BUESGENS**  
**HOUSING DISCRIMINATION COMPLAINT**  
**HUMBOLDT COUNTY, CALIFORNIA**

170. Plaintiff Buesgens housing discrimination complaints in Humboldt County, California, Clackamas County, Oregon, Sacramento County, California, Johnson County, Kansas, **arise** from the misconduct by **Arnold**

**Carl Tauch, Jack Cregg Moss, Falcon Ridge Apartments,**  
Travis and Harris County, Texas, U.S. Department of  
Housing & Urban Development, and U.S. Attorney Office  
in the following cases:

- (1) Dual Filed HUD case Number 06-06-0293-8  
A. City of Austin, TX Fair Housing Office  
B. HUD
- (2) Eviction case Number 041509  
Justice of the Peace, Precincts 3 and 5  
Travis County Austin, Texas
- (3) Appeal cause Number C-1-CV-06-000678  
Travis County Court at Law Number 1
- (4) D-1-GN-06-000262-Housing Discrimination  
200<sup>th</sup> and 53<sup>rd</sup> Judicial District  
Travis County Austin, Texas
- (5) 1:06CV00226-LY-RP  
Housing Discrimination Removal  
U.S. District Court Austin, Texas
- (6) 1:06CV00260-LY  
Eviction case Removal  
U.S. District Court Austin, Texas
- (7) Petition for Review Number 06-60777  
HUD case Number 06-06-0293-8  
Fifth Circuit Court of Appeals
- (8) Civil Number 3:07CV00043-GMK  
U.S. District Court Portland, Oregon
- (9) Ninth Circuit Appeal Number 07-35578

- (10) Civil Number 2:07CV01846-TSZ-RAJ  
U.S. District Court Seattle, WA
- (11) Ninth Circuit Appeal Number 08-35202
- (12) Civil Number 2:07CV02116-CM-JAR-JPO  
U.S. District Court Kansas
- (13) Petition for Review Number 07-9574  
HUD case Number 06-06-0293-8  
Tenth Circuit Court of Appeals

171. Plaintiff Buesgens **denied** in the United States because of his **housing discrimination** complaint at Falcon Ridge Apartments Austin, Texas and **Falcon Ridge Apartments** retaliatory eviction trials **January 26, 2006** and **June 16, 2006**.

172. In this action, Michael L. Buesgens **seeks** monetary and declaratory relief against the foregoing defendants for **implementing** and **enforcing** a **policy** that has the purpose or effect of discriminating against persons with a disability, or failing or refusing to make reasonable accommodation for such persons, in violation of federal and state fair housing laws.

**XXX. HOUSING DISCRIMINATION COMPLAINT**  
**HUMBOLDT COUNTY, CALIFORNIA**  
**REAL ESTATE BROKERS**  
**PROPERTY OWNERS AND PROPERTY MANAGERS, ET AL**

173. Defendants, directly and through their agents, have **engaged** and **continue to engage** in a **pattern or practice** of housing discrimination because of disability against prospective tenant Buesgens in Humboldt County, CA, in violation of 42 USC section 3604(f)(1).

174. Humboldt County, CA defendants **denied** Plaintiff Buesgens reasonable accommodation request and apartment application. The foregoing Humboldt County, California real estate brokers, property owners, and property managers **denied** Plaintiff Buesgens reasonable accommodation requests for apartment rental in **November 2008**.

175. Plaintiff Michael Buesgens is a qualified individual with a medical disability per the Fair Housing Act, Americans with Disabilities Act and Rehabilitation Act of 1973, as amended.

176. Plaintiff Buesgens **requested** a change in policy and rules in Humboldt County, California for his eviction and credit history at **Falcon Ridge Apartments Austin, Texas and his record at tenant/credit reporting companies nationwide.**

177. The accommodation was **necessary** to afford Buesgens a handicapped person the equal opportunity to use and enjoy a dwelling.

178. Plaintiff Buesgens was paying **\$600.00** per week **rent** at Best Western Motel Arcata, California.

179. Buesgens only income is his involuntary disability retirement income **\$1,393.00** per month from Commissioners Internal Revenue Service and his IRA account.

180. Plaintiff Buesgens **involuntarily retired** from Commissioners Internal Revenue Service on **March 7, 2005**. Buesgens and has been unable to work since his IRS retirement.

181. Buesgens **reasonable reassignment requests** at Commissioners Internal Revenue Service **denied** from **2002**

through **2005 causing** his involuntary disability retirement.

182. Plaintiff Buesgens lived at Falcon Ridge Apartments from **June 28, 2003 to July 6, 2006.**

183. Plaintiff Buesgens has the **ability** to pay rent and deposit in Humboldt County, California. There is **no cost** to real estate brokers, property owners, and property managers.

184. There is **no undue hardship** to anyone and Buesgens requests are **reasonable.**

185. At all times relevant herein, defendants Barbara Coffman, Real Estate Broker and John M. Wahlund, Real Estate Broker, Registered Agent, employed by Coldwell Banker and Cutten Realty, which is located at 2120 Campton Road, Suite C **Eureka, California.**

186. At all times relevant Joel Singer, Registered Agent employed by California Association of Realtors (CAR), which is located at 525 South Virgil Avenue **Los Angeles, California.**

187. At all times relevant herein, defendants Dawn O'Rourke, Real Estate Broker, Owner Cottage Realty, which is located at 1834B Central Avenue **McKinleyville, California.**

188. At all times relevant herein, defendants Alan Gunn, Senior Property Manager and Mathew Albert Babich, Registered Agent were employed by Re Max Humboldt Realty Corporation and Humboldt Property Management, which is located at 954 H Street **Arcata, California.**

189. At all times relevant herein, defendants Theodore Loring Jr., Owner, Registered Agent PMI Investments, Inc and Professional Property Management Company, which is located at 3109 H Street **Eureka, California** 95502-0117.

190. At all times relevant herein, defendants Steve Strombeck, Owner, Strombeck Properties I, LLC, and Strombeck Properties II, LLC, limited liability companies located at 960 South G Street **Eureka, California** 95502.



191. Each of the defendants named herein is sued in his or her individual capacity and doing business as Coldwell Banker, Cutten Realty, California Association of Realtors, Cottage Realty, Re Max Humboldt Realty Corporation, Humboldt Realty Corporation, Humboldt Property Management, PMI Investments, Inc, Professional Property Management Company, Strombeck Properties I, LLC, and Strombeck Properties II, LLC.

192. At all times relevant herein, defendants and their agents and employees, and each of them, were owners, registered agents, agents, servants and employees of each other, and were acting within the scope of such agency in employment and doing the wrongdoing herein alleged.

**XXXI. FAIR HOUSING ACT**  
**CALIFORNIA FAIR HOUSING ACT**  
**FAIR CREDIT REPORTING ACT**  
**CALIFORNIA FAIR CREDIT REPORTING ACT**

193. The Fair Housing Act, California Fair Housing Act, Fair Credit Reporting Act, and California Fair Credit Reporting Act do not apply in Humboldt County, California.

194. The foregoing Humboldt County, California defendants either did not know the law or refused to comply with the law as pattern and practice and not just with Plaintiff Buesgens but with other tenants as well.

195. The Humboldt County, California defendants have their own law for apartment applications and reasonable accommodation requests not tested or litigated in any court of law.

196. The Humboldt County, California defendant's misconduct, wrongdoing, and arrogance rivals the Falcon Ridge Apartments defendants.

197. The Humboldt County, California defendants do not even try to cover it up. They just step on the law and tenants rights as pattern and practice.

## **XXXII. FACTS**

### **A. INTRODUCTION**

198. Humboldt County, California defendants, directly and through their agents, have engaged and continue to engage in pattern and practice of housing discrimination because of disability against prospective tenants. Defendants implemented and enforced a policy that has the purpose or effect of discriminating against persons with a disability, or failed or refused to make reasonable accommodation for such persons, in violation of federal and state fair housing laws.

199. Humboldt County, California Defendants' pattern or practice of discrimination against disabled persons includes, but is not limited to:

A. Discriminating in the rental, or otherwise making unavailable or denying, a dwelling to any renter because of handicap, in violation of 42 U.S.C. section 3604(f)(1); and,

B. Refusing to make reasonable accommodations in

rules, policies, practices, or services, when such accommodations may be necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. section 3604(f)(3)(B).

200. In the alternative, defendants have negligently failed to hire, train, properly supervise and discipline their managers, employees and agents regarding their duties under federal and state fair housing laws.

#### **B. MICHAEL L. BUESGENS COMPLAINT**

201. Mr. Buesgens was diagnosed with bipolar disorder and attention deficit disorder, on January 29, 2003 by IRS telemedicine doctor Mark Norman Frank, MD 3820 Barr Court Boulder, Colorado 80303.

202. Mr. Buesgens became eligible for involuntary disability retirement at Commissioners Internal Revenue Service after he was denied reasonable reassignment in 2002, 2003, 2004, and 2005.

**COLDWELL BANKER/CUTTEN REALTY  
EUREKA, CALIFORNIA**

203. On **November 4, 2008**, Plaintiff Buesgens submitted apartment rental application, reasonable accommodation request, paid **\$12.00** application/credit check fee, to **Beverly Coffman Hart**, Real Estate Broker in Eureka, California.

204. Buesgens reasonable accommodation request, **change in rules and policy** for his eviction/credit history at Falcon Ridge Apartments Austin, Texas.

205. On **November 5, 2008**, Buesgens called Beverly Hart and she **notified** him that his rental application and reasonable accommodation **denied, because** of eviction at Falcon Ridge Apartments.

206. On **November 5, 2008**, Buesgens drove to Beverly Hart office and requested copy of his tenant credit report.

207. Beverly Hart gave Plaintiff Buesgens a copy of his credit report from **National Tenant Network (NTN) Lake Oswego, Oregon**. The National Tenant Network investigative tenant/credit report had Buesgens

eviction history at **Arnold Carl Tauch** and **Jack Cregg Moss** Falcon Ridge Apartments Austin, Texas.

208. **Jeanne M. Graves, President, Registered Agent** National Tenant Network (NTN) Lake Oswego, Oregon **not** registered to transact business in the State of California, in violation of California Business Code.

209. On **November 5, 2008**, Beverly Hart, Real Estate Broker Coldwell Banker/Cutten Realty informed Plaintiff Buesgens that she contacted California Association of Realtors (CAR) Los Angeles, California for **legal advice**.

210. California Association of Realtors (CAR) told Beverly Hart that she did not have to rent apartment to Buesgens, **because** of Falcon Ridge Apartments retaliatory eviction record.

211. On **November 7, 2008**, Plaintiff Buesgens **sent** letter for a **second** reasonable accommodation request to Beverly Hart, Real Estate Broker and **John M. Wahlund**, Real Estate Broker and Registered Agent Coldwell Banker/Cutten Realty **Eureka, California**.

212. On **November 10, 2008**, Buesgens received telephone call from **General Counsel** at California Association of Realtors (CAR). General Counsel **pumped** Buesgens for information, so he gave her information. Plaintiff Buesgens **told** General Counsel he did not have attorney.

General Counsel, California Association of Realtors **liked** the thought of no attorney and the conversation ended.

212. On **November 10, 2008**, Plaintiff Buesgens **sent** letter of **notice of potential litigation** to the following individuals and persons:

- (1). Beverly Hart and, John M. Wahlund  
Coldwell Banker/ Cutten Realty
- (2). Joseph P. Russoniello, U.S. Attorney  
San Francisco, CA
- (3). Joel Singer, Registered Agent  
California Association of Realtors (CAR)  
Los Angeles, CA
- (4). Arnold Carl Tauch
- (5). Jack Cregg Moss  
Falcon Ridge Apartments  
Falcon Group  
Houston, Texas



- (6). Coldwell Banker Residential Brokerage Company  
Corporation Service Company, Registered Agent  
Sacramento, CA
- (7). Jeanne M. Graves, President, Registered Agent  
National Tenant Network (NTN)  
Lake Oswego, Oregon

**RE MAX  
HUMBOLDT REALTY CORPORATION  
HUMBOLDT PROPERTY MANAGEMENT  
ARCATA, CALIFORNIA**

213. On **November 3, 2008**, Plaintiff Buesgens submitted apartment rental application, reasonable accommodation request, paid **\$20.00** application/credit check fee, to **Alan Gunn**, Senior Property Manager, Real Estate Salesperson, and Humboldt Property Management in **Arcata, California**.

214. Buesgens reasonable accommodation request, **change in rules and policy** for his eviction/credit history at Falcon Ridge Apartments.

215. On **November 6, 2008**, Alan Gunn **denied** Plaintiff Buesgens reasonable accommodation request.

216. On **November 6, 2008**, Plaintiff Buesgens sent letter-requesting **copy of his tenant history** to **Arnold**

**Carl Tauch** and **Jack Cregg Moss**, Property Owners Falcon Ridge Apartments Houston, Texas.

217. Plaintiff Buesgens **sent copies** of his Arnold Carl Tauch and Jack Cregg Moss **letter** to the following parties, individuals, and persons:

- (1). Joseph P. Russoniello, U.S. Attorney  
San Francisco, CA
- (2). R. Faye Austin, General Counsel  
U.S. Department of Housing & Urban  
Development-Region 9  
San Francisco, CA
- (3). Doug Houser, Defendant, Respondeat Superior
- (4). Scott H. Galloway, Defendant, Recalcitrant  
Witness, Falcon Ridge Apartments  
Bullivant Houser Bailey, PC  
Portland, Oregon
- (5). Major General Jack L. Rives, USAF  
The Judge Advocate General [JAG]
- (6). Hilary Lynn Reyes, Airman, Voir Dire Member,  
Recalcitrant Witness Falcon Ridge Apartments  
Air Force Pentagon  
Washington, DC
- (7). Melanie Plowman Sarwal, Attorney,  
Recalcitrant Witness Falcon Ridge Apartments  
Weil Gotshal Manges  
Austin, Texas
- (8). Charles Eads Brown, Eviction Attorney  
Falcon Ridge Apartments  
Austin, Texas

(9). Shelley Bush Marmon, Eviction Attorney  
Falcon Ridge Apartments  
Craday Jewett McCulley, LLP  
Houston, Texas

(10). Gregory Scott Cagle, Eviction Attorney  
Falcon Ridge Apartments  
Armbrust & Brown, LLP  
Austin, Texas

218. **Arnold Carl Tauch** and **Jack Cregg Moss**,  
General Partners Falcon Group, et al Houston, Texas  
**never responded.**

219. On **November 10, 2008**, Alan Gunn **denied**  
Buesgens request for copy of his tenant/credit report  
in violation of Fair Credit Reporting Act and  
California Fair Credit Reporting Act.

**COTTAGE REALTY  
MCKINLEYVILLE, CALIFORNIA**

220. On **November 3, 2008**, Plaintiff Buesgens  
submitted rental application, reasonable accommodation  
request, paid **\$20.00** application/credit check fee.

221. Buesgens reasonable accommodation request,  
**change in rules and policy** for his eviction/credit  
history at Falcon Ridge Apartments Austin, Texas.

222. On **November 6, 2008**, Arnold Carl Tauch and Jack Cregg Moss, Property Owners Falcon Ridge Apartments refused to provide copy of Plaintiff Buesgens tenant/credit history to **Dawn O'Rourke**, Real Estate Broker Cottage Realty **McKinleyville, California**.

223. On **November 7, 2008**, by telephone Dawn O'Rourke **refused** to accept Plaintiff Buesgens 2 year tenant history at **Extended Stay Hotel, Inc.** Dawn O'rourke **claimed** that Buesgens was **not tenant** at Extended Stay Hotel, Inc, but **merely guest**. Buesgens paid **\$40.000.00** room rent at Extended Stay Hotel for the period **July 17, 2006** through **October 21, 2008**.

224. On **November 8, 2008**, Dawn O'Rourke called Plaintiff Buesgens and told him his apartment rental application and reasonable accommodation request **denied, because** Arnold Carl Tauch and Jack Cregg Moss, **refused** to give her Plaintiff Buesgens tenant history at **Falcon Ridge Apartments**.

225. On **November 11, 2008**, Plaintiff Buesgens sent letter to Arnold Carl Tauch, Jack Cregg Moss, and **Dawn O'Rourke**, Real Estate Broker Cottage Realty. Buesgens **requested** that Mr. Tauch and Mr. Moss **send** Dawn O'Rourke, copy of his tenant history at Falcon Ridge Apartments.

226. Arnold Carl Tauch, Jack Cregg Moss and their attorneys at **Bullivant Houser Bailey PC** Portland, OR **never responded** to Plaintiff Buesgens letter.

**STROMBECK PROPERTIES I, LLC  
STROMBECK PROPERTIES II, LLC  
ARCATA, CALIFORNIA**

227. On **November 10, 2008**, Plaintiff Buesgens submitted apartment rental application, paid **\$20.00** application/credit check fee, to Steve Strombeck, Owner Strombeck Properties.

228. On **November 14, 2008**, by letter **Steve Strombeck denied** Plaintiff Buesgens apartment rental application due to a reference from **Arnold Carl Tauch, Jack Cregg Moss**, and Falcon Ridge Apartments.

229. On **November 18, 2008**, Plaintiff Michael L. Buesgens **sent** letter to **Steve Strombeck** requesting reasonable accommodation. Buesgens requested change in rules and policy for his eviction/credit history at **Falcon Ridge Apartments** Austin, Texas.

230. On **November 20, 2008**, Steve Strombeck **sent** letter to Plaintiff Buesgens. Mr. Strombeck letter stated the following: "Please be advised that your application was not denied do to your medical conditions. The basis for denial was because of your credit report and a reference."

#### **NOTICE OF POTENTIAL LITIGATION**

231. On November 26, 2008, Plaintiff Buesgens sent notice of potential litigation to the following:

- (1). Steve Strombeck  
Strombeck Properties
- (2). Dawn O'Rourke  
Cottage Realty
- (3). Alan Gunn
- (4). Matthew Albert Babich  
Re Max Humboldt Realty Corporation

- (5). Theodore Loring, Jr  
PMI Investments, Inc  
Professional Property Management
- (6). Beverly Hart
- (7). John M. Wahlund  
Coldwell Banker/Cutten Realty
- (8). Coldwell Banker Residential Brokerage Co.
- (9). Michael A. Force
- (10). Brenda A. Morgan
- (11). Mary Banks  
Sandpiper Apartments
- (12). Gregory Mayes
- (13). William Mayes
- (14). Shirley Mayes  
Heights Apartments
- (15). William O. Passo  
Four Winds Apartments
- (16). Arnold Carl Tauch
- (17). Jack Cregg Moss  
Falcon Ridge Apartments
- (18). Edward B. Rust, Jr.  
State Farm Insurance Companies
- (19). Joel Singer, Registered Agent  
California Association of Realtors (CAR)
- (20). R. Faye Austin, General Counsel  
U.S. Department of Housing & Urban  
Development-Region 9  
San Francisco, CA



(21). Joseph P. Russoniello, U.S. Attorney  
San Francisco, CA

(22). Jeanne M. Graves, President,  
Registered Agent  
National Tenant Network

(23). Thomas Harrington, Registered Agent  
On-Site Manager, Inc

(24). Steve Winn, Owner  
Real Page  
One-Site

232. Humboldt County, California defendants discriminate based on disability by enforcing their no change in rules and policy for tenant eviction/credit history without making exceptions for persons who need reasonable accommodations. This policy has a reasonably foreseeable disparate impact on individuals with disabilities.

233. Plaintiff Michael L. Buesgens has excellent 30-year tenant history, never missed a payment on anything prior to his 2005 housing discrimination complaint against Falcon Ridge Apartments and his related employment discrimination complaint against Commissioners Internal Revenue Service.

234. Defendants refused to engage in the **interactive process** as required by Fair Housing Act, Americans with Disabilities Act, and Rehabilitation Act of 1973, as amended.

### **C. INJURIES**

235. By reason of defendant's unlawful acts and practices, plaintiff Buesgens reputation in the United States is ruined.

236. There now exists an actual controversy between the parties regarding defendants' duties under the federal and state fair housing laws and federal and state fair credit reporting laws.

237. Unless enjoined, defendants will continue to engage in the unlawful acts and the pattern or practice of discrimination described above. Plaintiff has no adequate remedy at law. Plaintiff Buesgens is now suffering and will continue to suffer irreparable injury from defendants' acts and their pattern or practice of discrimination against disabled persons unless relief is provided by this court.

### **XXXIII. CLAIMS**

#### **A. FIRST CLAIM**

##### **[Fair Housing Act]**

238. Plaintiff Buesgens realleges and incorporates by reference paragraphs **1 through 237** of the complaint herein.

239. Defendants injured plaintiff in violation of the Fair Housing Act by committing the following discriminatory housing practices:

A. Discriminating in the rental, or otherwise making unavailable or denying, a dwelling to any renter because of a handicap, in violation of 42 U.S.C. section 3604(f)(1); and,

B. Refusing to make reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. section 3604(f)(3)(B).

## **B. SECOND CLAIM**

### **[California Fair Employment and Housing Act]**

240. Plaintiff realleges and incorporates by reference paragraphs **1 through 237** of the complaint herein.

241. Defendants injured Plaintiff in violation of the California Fair Employment and Housing Act by committing the following discriminatory housing practices:

A. Discriminating in the rental, or otherwise making unavailable or denying, a dwelling to any renter because of disability, in violation of California Government Code section 12955(a) and (k); and,

B. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling, in violation of California Government Code section

12955(a), as defined by California Government Code section 12927(c)(1).

### **C. THIRD CLAIM**

242. Plaintiff realleges and incorporates by reference paragraphs **1 through 237** of the complaint herein.

243. Defendants, by and through a pattern or practice of discrimination, have violated and will continue to violate the California Business and Professions Code section 17200 et seq. in that they engaged in unfair and unlawful trade practices by violating federal and state fair housing laws and federal and state fair credit reporting laws.

### **D. FOURTH CLAIM**

#### **[California Consumer Credit Reporting Agency Act]**

247. Plaintiff realleges and incorporates by reference paragraphs **1 through 237** of this complaint herein.

248. Defendants **Alan Gunn**, Humboldt Realty Corporation, and Humboldt Property Management have violated and will continue to violate California Consumer Reporting Agency Act section 1785.10(a) and (b) in that they **refused** to provide copy of Plaintiff Buesgens consumer credit report as he requested in person and in writing November 2008.

249. Defendants Humboldt Realty Corporation, PMI Investments, Inc, Cottage Realty, Strombeck Properties, Coldwell Banker/Cutten Realty is credit-reporting agencies within the meaning of California Consumer Credit Reporting Agency Act. Defendants assemble or evaluate consumer credit information for the purpose of furnishing consumer credit reports to third parties. Defendants furnish tenant credit reports to property owners in Humboldt County, California.

250. Humboldt Realty Corporation and PMI Investments, Inc Humboldt County, California as pattern and practice tell prospective tenants they are not entitled to copy of their tenant/credit report.

### **E. FIFTH CLAIM**

251. Plaintiff Buesgens realleges and incorporates by reference paragraphs **1 through 237** of the complaint herein.

252. Defendants Coldwell Banker/Cutten Realty Eureka, California **contracted** with defendants National Tenant Network (NTN) Lake Oswego, Oregon to do tenant/credit report, called tenant screening for evictions on plaintiff Buesgens.

253. Defendant National Tenant Network (NTN) **reported** plaintiff Buesgens eviction at **Falcon Ridge Apartments Austin, Texas** to Beverly Hart, Real Estate Broker Coldwell Banker/Cutten Realty.

254. **Beverly Hart denied** Buesgens apartment rental application, and reasonable accommodation request for change in rules and policy on eviction at **Arnold Carl Tauch and Jack Cregg Moss Falcon Ridge Apartments**.



255. **Jeanne M. Graves**, President, Registered Agent National Tenant Network (NTN) a foreign corporation, located in Lake Oswego, Oregon **not registered** to transact business in California, in violation of California Corporation Code 2105.

#### **F. SIXTH CLAIM**

##### **[Negligence]**

256. Plaintiff realleges and incorporates by reference paragraphs **1 through 237** of the complaint herein.

257. Defendants owed plaintiff Michael Buesgens a duty to operate the following in a manner that was free from unlawful discrimination, and to hire, train, supervise and discipline their employees and each other to fulfill that duty.

- (1). Coldwell Banker/ Cutten Realty
- (2). California Association of Realtors
- (3). Re Max Humboldt Realty Corporation  
Humboldt Property Management
- (4). PMI Investments, Inc  
Professional Property Management

- (5). Cottage Realty
- (6). Strombeck Properties
- (7). Falcon Group  
Falcon Ridge Apartments
- (8). Heights Apartments  
Liberty Management Group
- (9). Sandpiper Apartments  
D/B/A Westcal Management  
Pacific Cities Management
- (10). Four Winds Apartments  
Passco Four Winds

258. Defendants negligently violated that duty by discriminating against plaintiff Buesgens on account of his disability. Defendants' violation of that duty was the result of negligence, including but not limited to:

A. Defendants' negligent failure to train their employees and each other regarding the requirements of state and federal fair housing laws and state and federal fair credit reporting laws;

B. Defendants' negligent failure to hire persons who were familiar with the requirements of state and federal fair housing and fair credit

laws;

C. Defendants' negligent failure to supervise their employees and each other regarding compliance with the requirements of state and federal housing and credit laws; and

D. Defendants' negligent failure to discipline or terminate employees who failed to comply with the requirements of state and federal fair housing laws and fair credit laws.

259. As a result of defendants' negligent conduct, plaintiff Buesgens suffered severe personal injury from 2005 through 2008, which is expected to continue in 2009, and beyond.

#### **XXXIV. RELIEF**

Wherefore, plaintiff prays for the following relief:

260. That the Court enjoin all unlawful practices complained about herein and impose affirmative injunctive relief requiring defendants, their partners, agents, employees, assignees, and all persons acting in concert or participating with them, to take affirmative

action to provide equal housing opportunities to all tenants and prospective tenants regardless of disability or handicap;

261. That the Court declare that defendants have violated the provisions of applicable federal and state fair housing laws and federal and state fair credit law

262. That the Court award compensatory and punitive damages to plaintiff Buesgens according to proof;

263. That the Court grant costs of suit, including reasonable attorneys' fees; and,

264. That the Court grant all such other relief as the Court deems just, Dated: **December 15, 2008.**



**MICHAEL L. BUESGENS,**  
PRIVATE ATTORNEY GENERAL  
PLAINTIFF-PRO SE  
116 12<sup>th</sup> Street, #B  
Fortuna, CA 95540  
Phone: 707-845-2100

Email: [mikebuesgens@hotmail.com](mailto:mikebuesgens@hotmail.com)

December 15, 2008

**XXXV. INFORMA PAUPERIS**

Plaintiff Buesgens requests informa pauperis and appointment of counsel.

**XXXVI. JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff hereby requests a trial by jury as to each and every claim for which he is so entitled.

Dated: **December 15, 2008**



**MICHAEL L. BUESGENS**  
PLAINTIFF-PRO SE

**XXXVII CERTIFICATE OF SERVICE**

I HEREBY Certify that I sent one true copy of the foregoing by priority mail, delivery confirmation on this 15<sup>th</sup> day of December 2008 to

1. Douglas G. Houser, Respondeat Superior
  2. Scott H. Galloway, Defendant
  3. Patricia Goeres Galloway, Spouse
  4. R. Daniel Lindahl, Appellate Attorney
  5. Maren J. Holmboe, Attorney
  6. Lloyd Bernstein, Attorney
  7. Lisa Lear, Attorney
- Bullivant Houser Bailey, PC**  
888 SW Fifth Avenue, Ste 300  
Portland, Oregon 97204

- 8. Arnold Carl Tauch, Property Owner
- 9. Jack Cregg Moss, Litigation Manager

**Falcon Ridge Apartments**

Falcon Group  
5225 Katy Freeway, Ste 530  
Houston, Texas 77007

- 10. Carl M. Weeks, Investigator
- 11. Michael J. Weeks, Investigator

**Weeks and Associates**

- 12. Megan Monique Goeres
- 13. Andiruh Dev Sarwal
- 14. Melanie Plowman Sarwal
  - A. Falcon Ridge Apartments
  - B. case Number 951.06-242  
316 12<sup>th</sup> Street, Ste 316  
Austin, Texas 78701-1844

- 15. Joel Singer, Registered Agent
- 16. Jay Lawrence Vath, Adjuster, Investigator

**State Farm Insurance Companies**

- A. Tenant/Renter Policy Number 83-LV-0578-9
- B. Subpoena Duces Tecum
- C. HUD case Number 06-06-0293-8  
525 South Virgil Avenue  
Los Angeles, California 90020

- 17. Major General Jack L. Rives, USAF  
The Judge Advocate General [JAG]
  - 18. Hilary Lyn Reyes, Airman, Voir Dire Member,  
Recalcitrant Witness
- United State Air Force**  
1420 Air Force Pentagon  
Washington, DC 20330-1420

19. **Dorienne Arzu Victoria Bonilla, IRS Supervisor**

Former Tenant Falcon Ridge Apartments  
Apartment 734

**NEW ADDRESS**

803 Lisa Lane  
Killeen, Texas 76543  
Email: dorienne.bonilla@irs.gov



**MICHAEL L. BUESGENS,**  
Former Tenant Falcon Ridge Apartments  
Plaintiff  
116 12<sup>th</sup> Street, #B  
Fortuna, CA 95540

**December 15, 2008**